

REMARKS

Claims 3, 4, 7, 9-12, 15, 17-20, and 23-39 are pending in this application, with claims 4, 12, 17, and 20 allowed. Claims 7, 10, 15, 23, and 35 are canceled, leaving claims 3, 4, 9, 11, 12, 17-20, 24-34, and 36-39 now pending in this application.

Claims 3, 11, and 19 are amended to recite only SEQ ID NO:2. Claims 28-33, 36, and 39 are amended to specify that the cell being transformed is a microorganism. Support for these amendments can be found in the specification at page 8, lns. 3-11 and page 16, lns. 1-9.

Applicants submit that these after-final amendments would not raise any new issue that would require further consideration and/or search by the Examiner. Further, these amendments would place this application in condition for allowance. Therefore, Applicants respectfully request entry of these amendments.

Claim Objections

Claims 3 and 15 are objected to for reciting “enzymatically deleted after translation and having beta-lactam acylase activity.” Applicants respectfully note that these claims do not recite this phrase and request that this objection be withdrawn.

As suggested by the Examiner, claims 31 and 32 are amended to recite only the names of the cell lines.

Rejection Under § 101

The Office Action contends that claim 28 is directed to non-patentable subject matter under § 101 because the claim reads on a human being. Claim 28 is amended to recite a microorganism, thus excluding human beings. Applicants contend that claim 28 is now properly directed to statutory subject matter and withdrawal of this rejection.

Rejections Under § 112, Second Paragraph

The Office Action contends that claims 3, 11, 19, and 23, along with dependent claims 9, 24, 25-30, 33, 34, 37, and 38 are indefinite under § 112, second paragraph, for reciting a

homology of “not less than 90% in total.” Applicants traverse this rejection. However, to advance prosecution, claim 23 is canceled and claims 3, 11, and 19 are amended to delete the objectionable language.

The Office Action contends that claims 28, 36, and 39 are indefinite under § 112, second paragraph, for using the term “obtainable” and not specifying whether the host cell is contained in an organism or isolated. Claims 28 and 39 are amended to replace “obtainable” with --obtained--. Claims 28, 36, and 39 are amended to recite a “transformed microorganism,” which is a unicellular organism.

For at least these reasons, Applicants contend that claims 3, 11, 19, 28, 36, and 39, as well as dependent claims 9, 24, 25-30, 33, 34, 37, and 38 are in compliance with the requirements of § 112, second paragraph, and request withdrawal of these rejections.

Rejections Under § 112, First Paragraph

The Office Action contends that claims 7, 10, 15, and 23 are not in compliance with the enablement requirement of § 112, first paragraph. Applicants traverse these rejections. However, to advance prosecution, these claims are canceled, thus rendering this rejection moot.

The Office Action contends that claims 3, 7, 9, 11, 18, 19, 24, 25, 27, 29, 30, 33, 34, 36, 37, and 39 are not in compliance with § 112, first paragraph, for lacking enablement of the homologous proteins. Applicants traverse these rejections. However, to advance prosecution, claim 7 is canceled and claims 3, 11, and 19 are amended to recite only SEQ ID NO:2. For at least these reasons, Applicants contend that claims 3, 9, 11, 18, 19, 24, 25, 27, 29, 30, 33, 34, 36, 37, and 39 are in compliance with § 112, first paragraph..

The Office Action contends that claims 28, 36, and 38 are not in compliance with § 112, first paragraph, for lacking enablement of all possible host organisms. Claims 28, 36, and 39 are amended to recite a “microorganism” as the host organism being transformed. For at least these reasons, Applicants contend that claims 28, 36, and 39 are in compliance with § 112, first paragraph. Withdrawal of the rejections are requested.

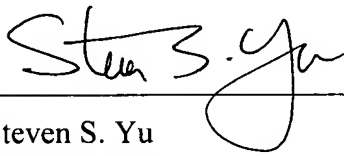
CONCLUSION

Applicants respectfully submit that the present application is now in condition for allowance. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of this application.

No extensions of time or other fees are required in connection with the filing of this response. However, in case the filing of this paper is deemed not timely, Applicants petition for an appropriate extension of time. The Commissioner is authorized to charge all required fees, fees under § 1.17, or all required extension of time fees, or to credit any overpayment to Deposit Account No. 11-0600 (Kenyon & Kenyon LLP).

Respectfully submitted,

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